

REMARKS**I. Introduction**

These amendments and remarks are being filed in response to the Office Action dated July 9, 2008. Claims 2, 3, 5, 6, 11, 12 and 19-27 are currently pending. Claims 7-10 and 13-18 have been cancelled without prejudice. Claims 2, 3, 5, 11 and 12 were each indicated by the Examiner as allowable if rewritten to overcome the objection under 37 CFR 1.121(c) and to include all of the limitations of the base claim and any intervening claims, (Office Action dated July 9, 2008 at page 6). Claims 2, 3, 5, 11 and 12 have now been rewritten in independent form, and include markings to show all amendments made. Claim 6 has now been amended to depend from amended claim 2. New dependent claims 19-27 have been added, and are supported in the originally filed application, for example, at Table 1 on page 20.

No new matter has been added.

For the following reasons this application should be allowed and the case passed to issue. If this application is not allowed, Applicants submit this amendment should be entered upon filing an appeal, as it reduces the issues for appeal.

II. Claim Objections under 37 CFR 1.121(c)

The Examiner objected to the amendments to the claims filed on April 28, 2008, alleging that the corrections to the formulas (showing subscripts and superscripts) were not marked.

Applicants have now presented amended claims 2, 3, 5, 6, 11 and 12 with markings to show all amendments made relative to the preliminary amendment filed March 4, 2005, including markings to show the amendments made in the amendment filed April 28, 2008. As such, Applicants respectfully submit that the objection has been obviated.

III. Claim Rejections Non-statutory Obviousness-type Double Patenting

Claims 10, 13 and 15 were rejected on the grounds of non-statutory obviousness-type double patenting over claims 4-9 of U.S. Patent No. 7,288,889. Applicants respectfully disagree with the Examiners position. However, claims 10, 13 and 15 have been cancelled without prejudice, thereby obviating the rejection.

IV. Claim Rejections Under 35 U.S.C. § 102(b)

A. JP 11-86735

Claims 7-9 and 16-18 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the translation of JP 11-86735. Applicants respectfully disagree with the Examiners position. However, claims 7-9 and 16-18 have been cancelled without prejudice, thereby obviating the rejection.

B. WO 03/056596

Claims 7-9 and 16-18 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by WO 03/056596. Applicants respectfully disagree with the Examiners position. However, claims 7-9 and 16-18 have been cancelled without prejudice, thereby obviating the rejection.

C. U.S. Patent Nos. 5,744,233 or 5,985,175

Claims 10, 14 and 15 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Nos. 5,744,233 or 5,985,175. Applicants respectfully disagree with the Examiners position. However, claims 10, 14 and 15 have been cancelled without prejudice, thereby obviating the rejection.

D. WO 03/025090 or WO 03/025088

Claims 1, 4, 6, 10, 13 and 15 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by WO 03/025090 or WO 03/025088. Applicants respectfully disagree with the Examiners position. However, Claims 1, 4, 10, 13 and 15 have been cancelled without prejudice and claim 6 has now been amended to depend from amended claim 2, thereby obviating the rejection.

V. Claims 2, 3, 5, 6, 11 and 12

Applicants acknowledge with appreciation, the indication of claims 2, 3, 5, 11 and 12 as being allowable if rewritten to overcome the objection discussed above at page 7 and to include all of the limitations of the base claim and any intervening claim. As discussed above, at page 7, the claims have now been presented with markings to show all amendments, thereby obviating the rejection.

Moreover, claims 2, 3, 5, 11 and 12 have been rewritten in independent form and include all the elements of their base respective base claims and any intervening claims.

Accordingly, it is respectfully submitted that claims 2, 3, 5, 11 and 12 are allowable.

Furthermore, claim 6 has been amended to depend from allowable claim 2, and therefore should also be allowed.

VI. New claims 19-27

Claims 19-27 have been added to depend from allowable claims 3, 5, 11 and 12 respectively. Support for claims 19-27 is found in the originally filed specification, for example, in Table 1, at page 20.

As such, Applicants respectfully submit that claims 19-27 are allowable, because at a minimum, they depend from and further define the subject matter of allowable claims 3, 5, 11 and 12 respectively.

VII. Conclusion

In view of the above amendments and remarks, Applicants respectfully submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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